

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEMARCUS KENARD JOE, #1047716,      )  
  )  
Petitioner,                                 )  
  )      CIVIL ACTION NO.  
VS.    )  
  )      3:17-CV-0690-G (BK)  
LORIE DAVIS, Director, Texas            )  
Department of Criminal Justice,        )  
Correctional Institutions Division,    )  
  )  
Respondent.                                )

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The district court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the court **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that the successive habeas petition is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.\*

**SO ORDERED.**

April 17, 2017.

  
A. JOE FISH  
Senior United States District Judge

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\* An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. See *United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015); *Brewer v. Stephens*, 605 Fed. Appx. 417 (5th Cir. 2015) (per curiam).